TRANSCRIPT
Environmental Insights
Guest: Mary Nichols
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Mary Nichols: There are signs all over the world of people demanding action to deal with the climate change, which is now no longer theoretical but real, and the massive disruptions in patterns of weather are evidence.

Rob Stavins: Welcome to Environmental Insights, a podcast from the Harvard Environmental Economics Program. I'm your host, Rob Stavins, a professor here at the Harvard Kennedy School and director of our environmental economics program. In these podcast conversations, I've had the pleasure of talking with a number of real stars from the environmental policy world, asking them to comment not only on relevant policy issues, but also to reflect on their own personal experiences over the years. Now, to do an adequate job of that, with my guest today, we would need the entire day, not just 30 minutes that we have. And I say that because my guest today is Mary Nichols, whom I first became aware of some 40 years ago in the early 1980s when I was working at the Environmental Defense Fund, then in Berkeley, California before I moved across the country to enroll in the PhD program in economics at Harvard. What is absolutely astonishing to me is that Mary Nichols already had a prominent and highly successful career in environmental protection and regulation at that time, and she has accomplished so much more in the decades since then. Welcome Mary to Environmental Insights.

Mary Nichols: Thank you, Rob.

Rob Stavins: So, in a few minutes, I'm very eager to hear your reflections and assessment of the current state of environmental and climate change policy. But first, let's go back to how you came to be where you are. So, where did you grow up?

Mary Nichols: I grew up in Ithaca, New York. It used to be called centrally isolated because it wasn't served by a major airline, and unfortunately that's still the case, but it's an incredibly beautiful place with a lake and with wonderful gorges and in fact, I have a T-shirt that says “Ithaca is gorges.”

Rob Stavins: Which is absolutely true, I could vouch for that having done actually a master's degree there in agricultural economics before I went out to Berkeley and joined the staff at EDF. So should I assume that one or both of your parents were academics?

Mary Nichols: Yes. My dad was a longtime professor of electrical engineering at Cornell. He retired as mayor of Ithaca. And then spent-

Rob Stavins: Oh wow.

Mary Nichols: ... the last years of his life actually doing political work. My mother got her PhD at Cornell, a little bit ahead of my father actually, in French literature. And she ended up, because of the rules in those days about not having two members of the same family, even if they were in completely different departments, the anti-nepotism policy, it was called, she couldn't get a job at Cornell if my dad was there. So, she ended up as a junior high school and high school languages teacher and also had a great career. She was the one who actually preceded my father into local politics. They were both active.

Rob Stavins: That's interesting because nowadays because of the prevalence of couples, both of whom are academics, sometimes it seems as if it's almost the norm as opposed to a prohibition for couples to both have faculty appointments within the same university.

Mary Nichols: Absolutely. In fact, it's a recruitment tool that I used to use during my time at UCLA. If you could provide a job for the spouse, that was a tremendous way of getting somebody else there.

Rob Stavins: Absolutely. Now, you actually went to college at Cornell, is that right?

Mary Nichols: I did. I did my undergraduate degree at Cornell, then I left Ithaca. At that point, I really wanted to get to the big city. I worked for the *Wall Street Journal* for a year at a foundation that was doing criminal justice reform, and that plus my experience having been a civil rights worker in the South in 1964, lead me to law school.

Rob Stavins: And that was, and what many people would say is the leading law school in the United States, Yale Law School.

Mary Nichols: It's a great law school. I'm always surprised when someone from Harvard will say that, but yes, absolutely. We thought we were anyway.

Rob Stavins: Yes. Well, you'll notice that I said what many people would say is the leading law school. I tried to hedge my bets a little bit there. So, you graduate from Yale Law School. What was your first position out of law school?

Mary Nichols: Well, my first actual law job was with an organization called the Center for Law in the Public Interest, otherwise as CLPI, which was one of a set of new public interest law firms that was just opening up in the early 1970s with major support from the Ford Foundation, which recognized early on that there was a new idea and a new potential for lawyers to do good, particularly in the environment with the new statutes that were coming online and opportunities to enforce those statutes in the courts.

Rob Stavins: So, at the Center for Law and the Public Interest, were you in fact working on environmental natural resource and energy issues or a broader suite of policies?

Mary Nichols: CLPI eventually broadened its focus into affirmative action, civil rights employment litigation, with the addition of a new younger lawyer who was a real expert in those issues. And I did some work on his cases, but my primary focus was on the environment.

Rob Stavins: And so, had that interest developed in law school or was it earlier when you were Cornell or when you were a small child? How did the interest in environment develop?

Mary Nichols: First of all, I have to say that when I was growing up, I don't think the environment was a topic of discussion at all. I mean, there was nature, there were resources, there were parks, there was the outer doors, and I spent a considerable amount of time in the area around Cornell hiking and with faculty members who would go out and do talks on geology or mushrooming, but also just being outside in an interesting place. You learned a lot about nature study, went to camp along the lake, swam, et cetera.

But really the topic of environment as something you would study in school didn't really cross my path until I was already almost through law school when a group of people led by Gus Speth and other Yale law students who were a couple years ahead of me, and the man who later became my husband, John Dawm, was forming a public interest law firm and their whole focus was on the environment. And for me, it was more a question of not wanting to join the corporate establishment, not wanting to do what at that time seemed like the default, which was to go join a big law firm, but to do something that was more aimed at making the world a better place, which is why I had gone to law school in the first place.

Rob Stavins: And indeed, this period that you're talking about when you were at the Center for Law and the Public Interest, which I think was 1971 to '74 or thereabouts, that's the period of time in which this whole suite of major statutes were in fact passed by the Congress, signed by the President of the United States.

Mary Nichols: Yes, and the state of California also was quite active in those days, as you would expect, with particularly some groundbreaking legislation around air quality.

Rob Stavins: So, let's go through at least some of the chronology of your subsequent positions. Eventually, of course, they lead up to your return to California for the second time as the chair of the important and very powerful Air Resources Board from 2007 to 2020. But long before that happened, you had a whole set of other really interesting positions. And is the first of those going to be in the state of California as well, Secretary of Environmental Affairs, or am I confusing my ordering here?

Mary Nichols: No, it's a little complicated, but Jerry Brown was elected governor in 1974, and one of the positions that he, or one of the many boards really that are characteristic of California state government was the California Air Resources Board, which up until that time had not been considered exactly a plumb appointment.

But his campaign manager, Tom Quinn, who had grown up in LA, the son of a politically active deputy mayor and somebody who basically had been excited about the opportunity to do something about the smog, which at that point was a very prevalent feature of Los Angeles. It was something that people joked about on television. Johnny Carson had a running joke about that. And it was ugly, and he hated it, and he asked for the position of chair of the Air Resources Board, which in those days wasn't even a full-time job. So in order to allow for Tom to come into government and continue to support his family, the governor created a new position called Secretary for Environmental Affairs, which gave the chair of the Air Resources Board responsibility for also coordinating with the State Water Resources Control Board and what was then called the Solid Waste Management Board. So all three of those areas reported through the ARB chair, and we had in effect a mini environmental protection agency.

Rob Stavins: And at this point, so you stay until 1978 within the state government. Is that right?

Mary Nichols: Yes, yes. I took what amounted to being a leave of absence for a year because I'd been commuting to Sacramento with one child, but I was pregnant with the second, and it-

Rob Stavins: Oh, gosh.

Mary Nichols: ... just too much. So, I came back home to LA and took a job with the then city attorney of Los Angeles Burt Pines who has done a lot of great things, but that included, taking also a previously not very interesting or not well-regarded job and turning it into a politically important position. Anyway, Burt had basically run out his previous deputy in charge of all the civil legal work for the city of Los Angeles. And so he offered me that position.

Rob Stavins: And then you stayed there for a number of years, and then in 1983, did you go into private practice of law?

Mary Nichols: Actually, no. I only was at the, sorry, I was only at the city attorney's office for a year. It was an eventful year as these things always seem to be. I've been accused of creating excitement where I go. I don't think that's true, but I have had a lot of good fortune as a lawyer to be in places where there was important work going on and where it was an opportunity to actually make changes happen. But anyway, no, I went to CARB after my daughter was old enough to be left at least for a day or two at a time, and went back into state government, again this time as chair of CARB and stayed there until the end of Jerry's second

term of office, Jerry Brown's second term of office. And from there, I ended up in private practice briefly. So, I don't think we really need to cover every inch of this…

Rob Stavins: Well, I want to cover the next inch, because the next inch after the private law practice, I believe, is that you founded the Los Angeles office of the Natural Resources Defense Council, is that right?

Mary Nichols: Well, NRDC decided to open up an office in Los Angeles. They were the first major national environmental group to have an office in Southern California. I was inspired by that vision of theirs because of course, I have become a patriot for Southern California as a place where there was a lot of important interesting work to be done, and it was also the center of gravity in terms of population in Southern California. So yes, when they said that they were going to come to LA, I took advantage of the opportunity to join up.

Rob Stavins: I should mention for, so much of our audience is actually international in other parts of the world, and so I should highlight the fact that in the United States there is an extremely important role played by a limited number of national environmental advocacy groups, and NRDC, which Mary's been talking about, is certainly one of them. The Environmental Defense Fund is another, and there are others beyond that. So you stayed with NRDC until the Clinton administration gave you a call?

Mary Nichols: That is correct, I was in the LA office. I actually was also, while serving, at NRDC… While working at NRDC, I also was appointed by Mayor Tom Bradley to the board of the LA Department of Water and Power Commissioners, which was the governing body for the largest municipal utility in the United States. So while on the NRDC payroll, I was spending quite a lot of time as one of the governors of a very large and very important utility that had both electricity and water under its purview.

Rob Stavins: And, if I'm correct, you were assistant administrator at EPA for at least what was then called Air and Radiation.

Mary Nichols: Yes. It still is the Office of Radiation, and there's an assistant administrator job, it's what they call the national program manager for [inaudible 00:15:10]. The radiation piece of the job is not a very large one, but I did have a box that sat on my desk that was supposed to go off whenever there was a radiation emergency somewhere. It was actually one of those secure telephones that, you have to have a key to unlock the telephone to get the messages that was supposed to be coming in. It once rang during my four years at EPA and it was a wrong number.

Rob Stavins: That's great.

Mary Nichols: I took my responsibilities seriously.

Rob Stavins: Had you been there quite a bit earlier, it might have gone off during Three Mile Island, I suppose?

Mary Nichols: Yes, exactly. It did in fact. And I did visit the places where we had work going on relating to the radiation responsibility, mainly in Nevada where, and also New Mexico where we had a role in certifying the first repository for nuclear waste.

Rob Stavins: Right. Now there's much more that we could go through, but I'm going to skip the next 10 years, which is when you were back in California as Chair of the Air Resources Board from 2000 to 2020, although... And that was when I got to know you all over again. My recollection is that you threatened to retire from that long before 2020, but fortunately you stayed on. Now you've been fighting for clean air and a healthy environment for over four decades. And I'd like to focus in on climate change, which is something that over, at least back to 2007, you were certainly thinking about and probably before then. Can you say something about how the climate change debate has evolved in the United States, and for that matter in California, during this time?

Mary Nichols: Sure. When I was at EPA in the Air office, there were some very smart people on my staff who were already pushing hard for US action on climate change. The former deputy in my office, Eileen Claussen, had gone on to the White House. She had been in the White House and had worked hard at the National Security Council to push the climate agenda.

When the negotiations at the UN around the Kyoto Accord came up, one of my staff members went over to be part of those negotiations. And leading up to it, we were very actively involved in the design of what was intended to be, and it became in Kyoto, an international policy for a cap and trade program for greenhouse gas emissions. So, the United States at that point was officially committed to both action and a very specific kind of action, which then it later repudiated when the people came back from Kyoto and were told, forget about submitting this thing to the Senate for ratification because it's a non-starter.

The job of implementing the Clean Air Act and dealing with urban air pollution as well as regional haze, new responsibilities that we had for dealing with acid rain seemed to me to be more important in the sense of being something you could do something about, as well as we had a legal mandate to work in those areas.

And my focus was, and pretty much always has been, on implementation, on taking the statutory enactments laws and using them to actually make something happen in the real world, as we like to say, and climate just seemed to be too esoteric as well as distant. Obviously, my views changed on that and so has those of most of the rest of the world. But it took a while, and really for me, the key was recognizing that when it came to dealing with the causes of climate change, what was actually causing the increasing buildup of greenhouse gases in the atmosphere, it was essentially the same root causes, the same fundamental issues about how we use energy, how we use electricity, how we

move ourselves around. The combustion of fossil fuels is at the heart of it all. It's obviously more complicated and nuanced than that, but to me, the recognition that if you were doing your job correctly in terms of dealing with air pollution that hurts people's health and that they can see you were also potentially going to be able to make a real dent in the climate problem as well.

Rob Stavins: Now, what's certainly true is that California has played a leadership role more recently in the fight against climate change, but as you well know, going back to the early days of the Clean Air Act, in terms of localized air pollution. But thinking about climate change, given that California has put in place a suite of policies that are relatively ambitious compared to the rest of the country, for that matter, are there lessons that other states, or for that matter other countries can learn from the California experience?

Mary Nichols: Well, I think so. One of the reasons why California enacted the Global Warming Solutions Act of 2007 was a desire on the part of the state to be a model for how a state could take action that could have an impact on climate change, both in terms of actual measured reductions in emissions, and also developing policies and programs that could be adapted in other places. Our goal, of course, was to try to push the US government to adopt meaningful climate legislation. And while we're still only, I think in some ways, working around the edges of that in terms of having a single comprehensive climate law, the work that we've done absolutely has formed the basis for other states to act, as well as help to give some of the backdrop and provide the experience that enabled the federal government to pass President Biden's very ambitious agenda.

Rob Stavins: Now, you've worked closely with both Democratic and Republican administrations over the years, including in the state of California. Can you say something about how the political climate has affected your work?

Mary Nichols: Well, first of all, in California there's a complete dominance these days of legislative positions and local government positions by the Democratic Party. So, while it's always had an attempt to be a bipartisan governance structure… Even under Governor Schwarzenegger, there were still major positions that were filled by people who were Democrats, including his chief of staff. Still, Governor Schwarzenegger himself in some ways is a model of a kind of Republican who does not make things partisan if he doesn't have to. He has strong beliefs about markets in particular and about regulation in the sense that he favors the lightest possible touch when it comes to action on any important issue, but he doesn't have that instinct to go for the partisan immediately. And so it was easy to work for him. It also made some Republicans very nervous, and I know that he's had, in many cases, more issues with Republicans than he has with Democrats.

Rob Stavins: Well, indeed, former Governor Schwarzenegger may be an example of a category which is now a null set that essentially no longer exists, which are moderate Republicans. I worked closely with the George H. W. Bush White House on the development of the Clean Air Act Amendments in 1990, including

the SO2 allowance trading system. And I think back to the people that populated that administration, including the president, sort of what we used to call “country club Republicans” who cared about environment because they cared about the outdoors, as you said at the very beginning. But that's sort of an extinct species now.

Mary Nichols: Well, the term conservationist used to be sort of used as a distinction between environmentalists who were the people who wanted to control what came out of the tailpipes of cars and factories and the conservationists who cared about preserving landscapes and natural resources. And those people, many of the leaders in that field were Republicans, although maybe they weren't “country club Republicans,” but they were what I think of as being the hunting and fishing Republicans.

Rob Stavins: And indeed, those environmental statutes of the early 1970s were passed by Democratic congresses and signed into law by a Republican president, Richard Nixon, if I recall correctly.

Mary Nichols: Yes, you do. That's right.

Rob Stavins: Our listeners, not only those in the US but even those internationally, are very aware of the political polarization that has now come to dominate in the US Congress and in many of the state legislatures as well. Is there a way we can overcome this political polarization, in particular to achieve more progress on environmental issues?

Mary Nichols: Well, I think, as President Biden has demonstrated, it is possible to put together legislation with votes from both parties if you are attentive to the details and if the minority party, which is, in California, of course, the Republican Party and in the House it's much more evenly split. But either way, they're going to be individuals who were elected to represent their districts, their constituents, and who can be persuaded to vote on bipartisan legislation if they can show the people who elected them that there are real benefits to them, to their families, to their communities, jobs, opportunities, and so forth. In other words, if you can get past some of the rhetoric and move into the realm of the concrete, there's nothing like the opportunity for a ribbon cutting to bring an elected politician to the table.

Rob Stavins: Indeed. So what does that mean then in terms of where you would place yourself on the spectrum of very optimistic to very pessimistic about progress on climate change policy in the United States, and for that matter around the world? Do you characterize yourself, Mary, as an optimist, a pessimist, or something else altogether?

Mary Nichols: I think of myself as an optimist. I find myself spending a lot of time these days with classes or in situations where I'm working with much younger people, and a lot of what I do is to try to encourage them and give them what I hope are

useful examples and tools to use to try to make progress happen. It does no good to despair, of course. It's not a useful position to have. It's also a guarantee that you're not going to succeed. So, while sometimes I certainly have experienced setbacks, disappointments, situations where I wasn't able to get where I thought we should go, the example of Henry Waxman's monumental climate legislation, which never was even taken up for a vote in the US Senate being just one important example there. But I see that there are signs all over the world of people demanding action to deal with the climate change, which is now no longer theoretical but real, and the massive disruptions in patterns of weather are evidence. It's not something that requires statistics or a deep knowledge to see what's happening.

I think politicians are being increasingly pushed to do something meaningful, and it's not just a matter of mitigation versus adaptation, which used to be the big question. The big argument is, are we going to do things that will protect ourselves against climate change versus trying to stop it. We have to be doing both, and I think there's a lot of interest in doing that, certainly among the larger financial institutions in all of the countries and companies that do business around the globe. There's also a big stirring of interest and activism around climate. And that's no guarantee of success. I think they're as frustrated sometimes about the lack of clear policy direction as environmental activists like myself but at least there's a enough ferment going on to suggest that action is likely.

Rob Stavins: So that leads me to ask you, Mary, for a final question, what your reaction is to the youth movements of climate activism? Most prominently, obviously Greta Thunberg, but I mean much more broadly, essentially people of student age? Climate activism that's arisen mainly in Europe and the United States over recent years, what's your reaction to that?

Mary Nichols: Actually, I was at the Conference of Parties, the UN Conference in Egypt last year. The UN had taken action in a very deliberate way to encourage countries to bring youth delegations to that meeting. So I had an opportunity to interact with young people from the Pacific Islands in particular, as well as from Africa and Asia, and to really be energized by their passion and enthusiasm and creativity around how they were engaging their elders in their own countries to be more decisive, more forthright, and more pragmatic about taking action on climate change. So, I don't think I'm starry-eyed about this, I recognize the obstacles that they face, but everywhere in the world where there are opportunities for young people to express themselves, they're taking on this issue and they are demanding that their elders take action to not just leave them the mess that they see in front of them right now.

Rob Stavins: Well, that's a good place to bring this to a close. So thank you very much, Mary, for taking time to join us today.

Mary Nichols: It's been a pleasure talking to you, Rob.

Rob Stavins: So, my guest today has been Mary Nichols, longtime leader in environmental regulation in the United States, in California, and for that matter around the world.

Please join us again for the next episode of Environmental Insights: Conversations on Policy and Practice from the Harvard Environmental Economics Program. I'm your host, Rob Stavins. Thanks for listening.

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